REMARKS/ARGUMENTS

This Amendment is in response to the first Office Action dated March 16, 2004. In that Office Action, claims 2-13 were examined and all were rejected. More specifically, claims 2-13 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Treyz et al. (USPN 6,587,835).

In this response, no claims have been canceled and no claims have been amended. New claim 14 has been added. Thus, claims 2-14 are now pending. Reexamination and reconsideration of the pending claims in light of these remarks is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 2-13 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Treyz et al. (USPN 6,587,835, hereinafter "Treyz"). Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 102(e), on the grounds that Treyz does not anticipate the present invention because it does not disclose, explicitly or implicitly each and every limitation of the pending claims. More specifically, Treyz does not disclose a plurality of profiles for a single user, nor selection of a profile based on the user's present environment, nor modulating notification aggressiveness based on said environment as defined by the profile.

As defined in the claims, embodiments of the present invention use "profiles" to control the way in which a notification is presented to the user. As a result, any one particular user must have a plurality of profiles. A particular profile is typically selected based on the current environment, and is used to define modes of varying notification aggressiveness. That is, the level of volume for the notification may change, the brightness of the light notification may change, and/or the amount of nature of the vibration may change. Each mode (e.g., work, meeting, lunch, home, etc.) can have a different set of notification behaviors for an event, such as a notification of a meeting. As a result, a user may be notified of an event, such as a meeting in many different ways, depending on the currently selected profile. Moreover, as in some claims, the profile may automatically change based on the user's environment, as defined by a calendar program, i.e., the calendar program may be used to drive profile (and thus, mode) selection, in place of manual control by the user.

Consequently, independent claims 2 and 6 are directed to storing a plurality of profiles of notification events, notifying a user of an event according to a stored profile with each profile

associated with a notification mode, receiving a selection for a notification mode, and applying the selected notification mode.

Treyz does not use or define user profiles as in the present application, and in fact is focused on solving an entirely different problem. Treyz uses a filter to identify retail shopping events the user is to be notified of, and defines a single set of notification behavior settings for said events. Each user has a single shopping list and notification filter, and a plurality of such filters may exist insomuch that a plurality of users may use the same device. Each event, however, has its own, single mapping to a notification type. What Treyz refers to as a "profile" consists of its filter and a single list of mappings to events, and selection of a "profile" is based purely upon whom the current user is. Treyz stores a calendar of events of which the user can be notified.

With these differences in mind it will become clear as discussed below how the claims differ from the Treyz reference.

Under 35 U.S.C. § 102, a reference must show or describe each and every element claimed in order to anticipate the claims. *Verdegaal Bros. v. Union Oil Co. of California* 814 F.2d 628 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."). Treyz does not disclose a plurality of profiles for a single user, nor selection of a profile based on the user's present environment, nor modulating notification aggressiveness based on said environment. The event to notification mappings in Treyz do not change based on the user's environment, and so a particular user has only one set of mappings. More particularly, for each event that occurs, and which the user is to notified, there is only one way to notify the user in Treyz. On the other hand, in the present application, the system may notify the user of an event in many different ways, *depending on the currently selected profile*. Regardless, the user, in the present application is notified of the event, but the manner changes. Treyz is focused on whether the user is notified or not, which is an entirely different problem than the one solved by the present application, i.e., how to notify the user.

Furthermore, as defined in claim 6, embodiments of the present invention utilize a calendar program to automatically select different profiles and thereby adjust the mode in which a user is notified of events. Treyz stores a calendar of events for which the user can receive reminders, but the calendar is not used to modify the actual notification behavior. Simply put,

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Treyz does not use calendar information to modify anything, it only uses the calendar information to store notification events.

As discussed, since Treyz does not disclose the each and every element of the pending independent claims of the present invention, Treyz cannot, as a matter of law, anticipate claims 2, 6, and 9. Further, the remaining claims depend directly or indirectly from these independent claims such that those claims should also be allowed over Treyz, and reconsideration is respectfully requested.

Since the remarks above are believed to distinguish over the applied reference, any remaining arguments supporting the claim rejections are not acquiesced to because they are not addressed herein.

Claim Rejections – 35 U.S.C. § 102

In the Conclusion of the Office Action, the Examiner stated that "the subject matter of claims 2-13 is also clearly anticipated by the international search report cited references." Although Applicant believes this recitation is not a proper rejection as it does not state the reasons for such an assertion, Applicant responds as follows. To the extent this recitation is a rejection under 35 U.S.C. 102, Applicant traverses the rejection as the search report does not include a reference that identically discloses each and every claim element of the pending claims. Furthermore, to the extent the Applicant does not understand the "rejection," Applicant respectfully requests a more complete rejection under 37 C.F.R. § 1.104.

With regard to the specific international search report references cited in the present office action, PCT/US98/22203 (Ericsson Inc.) applies to portable intelligent communications devices, not PDAs; said reference explicitly concedes that "portable intelligent communications devices differ significantly from personal digital assistants (PDAs) and handheld personal computers (HPCs)" in that they are designed for an entirely different purpose. Further, this reference only defines a single operating mode, which can be activated and deactivated. It does not, in any way, show or describe, explicitly or inherently, the use of multiple modes of operation, and thus does not anticipate any of the claims of the present invention. Reference PCT/US97/20280 (Microsoft) deals with a notification database and scheduling program, but

does not include notification profiles as claimed in the present application, and thus also does not anticipate the claims of the present invention.

Conclusion

As all claims in the application are in condition for allowance, Applicants request the application be allowed and passed to issuance as soon as possible.

It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

Respectfully submitted,

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